

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. EMILY C. HAMILTON, NEIGHBORHOOD HOUSING SERVICES, INC., and ROOSEVELT COUNTY, a political subdivision of the State of Montana, Defendants.	CV 19-70-GF-BMM ORDER
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Before the Court is Plaintiff United States of America's second status report and motion to stay. The United States indicates in its second status report that it has not moved for entry of default against any defendant due to current U.S. Department of Agriculture (USDA) policy suspending foreclosure actions during the COVID-19 pandemic. USDA first instituted a moratorium on foreclosures of Single Family Housing Direct Loans on March 19, 2020 and, as of August 28, 2020 has extended the moratorium to December 31, 2020. The United States therefore moves to stay this matter pending expiration of the moratorium.

"[A] district court has discretion to stay proceedings in its own court when appropriate." *Am. Reliable Ins. Co. v. Lockard*, CV 17-04-M-DLC,

2018 WL 9618463, at *1 (D. Mont. Feb. 14, 2018) (citing *Dependable Hwy. Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007); *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). “A party seeking a stay must make out a clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay for which he prays will work damage to someone else.” *Id.* at *2 (citing *Landis*, 299 U.S. at 255). “[S]tays should not be indefinite in nature” *Id.* (citing *Dependable Hwy. Exp., Inc.*, 498 F.3d at 1066).

The Court finds that good cause exists to stay this matter for a defined period in light of the COVID-19 pandemic, the uncertain personal financial circumstances many individuals face as a result, and USDA’s policy decision to halt foreclosure proceedings as the pandemic continues to develop. Accordingly,

IT IS ORDERED that this matter is hereby STAYED until December 31, 2020. On or before January 8, 2021, and assuming the defendants do not respond to the Complaint in the interim, the United States shall either: (1) seek entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, or (2) file a report apprising the Court of the status of Single Family Housing Direct Loan foreclosure proceedings and the USDA moratorium.

DATED this 1st day of December, 2020.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court